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In re Application of  
Eric A. Wachter et al  
Application No. 09/096,832  
Filed: June 12, 1998  
Attorney Docket No. PHO-104

ON PETITION

This is a decision on the petition, filed September 29, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on September 28, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3738 will consider the request for continued examination under 37 CFR 1.114.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Paper No. \_\_\_\_\_

Date : September 29, 2006  
TO : Director, Office of Patent Publication  
FROM : Office of the Deputy Commissioner  
for Patent Examination Policy  
SUBJECT : Withdrawal from Issue of

Applicant(s) : Eric A. Wachter et al  
Application No. : 09/096,832  
Filed : June 12, 1998

The above-identified application has been assigned Patent No. 7,121,282 and an issue date of October 17, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of October 17, 2006:

"All reference to Patent No. 7,121,282 to Eric A. Wachter et al of Tennessee for IMPROVED METHODS AND APPARATUS FOR MULTI-PHOTON PHOTO-ACTIVATION OF THERAPEUTIC AGENTS appearing in the Official Gazette of October 17, 2006 should be deleted since no patent was granted."

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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